

1 DAVID C. WEISS  
Special Counsel  
2 LEO J. WISE  
Principal Senior Assistant Special Counsel  
3 DEREK E. HINES  
Senior Assistant Special Counsel  
4 SEAN F. MULRYNE  
CHRISTOPHER M. RIGALI  
5 Assistant Special Counsels  
950 Pennsylvania Avenue NW, Room B-200  
6 Washington, D.C. 20530  
Telephone: (771) 217-6090  
7 E-mail: SFM@usdoj.gov; sean.mulryne@usdoj.gov  
Attorneys for the United States  
8

Attorneys for Plaintiff  
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 ALEXANDER SMIRNOV,

16 Defendant.  
17

No. CR 2:24-cr-00091-ODW

SUPPLEMENT TO GOVERNMENT'S  
OPPOSITION TO DEFENDANT'S  
MOTION TO REOPEN DETENTION  
HEARING AND TO IMPOSE  
CONDITIONS OF PRETRIAL RELEASE

18  
19 Defendant Alexander Smirnov ("Defendant") has moved to reopen the detention  
20 proceedings that this Court held and concluded more than three months ago and is seeking,  
21 again, his pretrial release subject to conditions. ECF No. 75. A hearing on the motion is  
22 currently scheduled for June 24, 2024. ECF Nos. 75 & 81. The government provides this  
23 Supplement to update the Court on information relevant to Defendant's present motion.

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1 Dated: June 20, 2024

2 Respectfully submitted,

3 DAVID C. WEISS  
4 Special Counsel

5 /s/\_\_\_\_\_

6 LEO J. WISE  
7 Principal Senior Assistant Special Counsel

8 DEREK E. HINES  
9 Senior Assistant Special Counsel

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11 CHRISTOPHER M. RIGALI  
12 Assistant Special Counsels

13 United States Department of Justice  
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## MEMORANDUM OF POINTS AND AUTHORITIES

### I. BACKGROUND

Nearly three months after this Court revoked Defendant's pretrial release, issued an arrest warrant, and held a hearing to further address his detention on February 26, 2024, Defendant moved to reopen the detention hearing, release Defendant from custody, and impose conditions. ECF No. 75. The government has opposed Defendant's pending motion, arguing that the Court can and should deny the motion on its merits and without a hearing. ECF No. 77. On May 31, 2024—the same day when the government submitted its opposition—Defendant filed a supplement to his original motion, claiming that his conditions of detention at MDC-Los Angeles, in the facility's Special Housing Unit ("SHU"), restrict his ability to prepare for trial. ECF No. 78.

### II. UPDATE

Since submitting its opposition to Defendant's motion to reopen detention proceedings, the government has had multiple contacts with the U.S. Marshals Service ("USMS") concerning Defendant's detention and medical treatment through MDC-Los Angeles. Among those contacts, undersigned counsel exchanged emails with a Deputy Marshal on or about June 6 and June 18, 2024, and spoke with the Deputy Marshal on or about June 7, 14, and 20, 2024. Moreover, the government spoke today with medical personnel at an ophthalmologist's office with whom Mr. Smirnov visited on or about June 11, 2024. Based on those communications, the government provides the following information to the Court:

- Regarding Defendant's medical condition, Defendant visited with an ophthalmologist, outside the facility, on or about June 11, 2024. The doctor prescribed multiple medications that were "ordered already in BEMR [Bureau of Prison ("BOP")'s Bureau of Electronic Medical Records System.]" Defendant has access to eye drops. A follow-up appointment

1 with the ophthalmologist is scheduled for the week of July 1, 2024. There  
2 also is an apparent appointment with an eye specialist being possibly  
3 scheduled for the week of July 22, 2024.  
4

- 5 • According to medical personnel at the ophthalmologist's office that Mr.  
6 Smirnov visited on June 11, 2024, Mr. Smirnov's eye condition is being  
7 treated with medications. The ophthalmologist's office confirmed that it  
8 will be meeting again with Mr. Smirnov during the week of July 1, 2024, to  
9 further evaluate and assess the medication's efficacy, and that Mr. Smirnov  
10 also is scheduled to meet with a glaucoma specialist in late July. The  
11 ophthalmologist's office has been in contact with Dr. Tanaka of San  
12 Francisco. According to medical personnel at the ophthalmologist's office,  
13 they need to evaluate the use and efficacy of the medication before making  
14 any surgical determination.  
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- 16 • BOP officials had determined that, *for the safety of Defendant himself*, "the  
17 safest place" for Defendant at MDC-Los Angeles is in the SHU.  
18
- 19 • Defendant is "afforded the opportunity to make legal calls in SHU via  
20 inmate requests to staff. He has made multiple legal calls since being  
21 housed in [SHU]. By policy, he is only entitled to (1) social call every 30  
22 days." BOP noted, however, that additional social calls may be authorized  
23 "if requested, based on inmate compliance and programming."  
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- “Inmates are authorized to view their discovery in [SHU.]” Defendant “can review discovery anytime he wants via request to use the law library.”
- Defense counsel may bring a laptop into the facility when meeting with Defendant to review records and prepare for trial.

### III. CONCLUSION

Based on the above, the government maintains that the Court can address Defendant’s motion on the papers without a hearing, and should deny Defendant’s motion to reopen the detention hearing.

**DECLARATION OF COUNSEL**

I, Sean F. Mulryne, do hereby declare that the following statements are true and correct to the best of my knowledge and belief:

1. I am co-counsel of record for the United States of America in this case.
2. The assertions in the underlying supplement are true and correct to the best of my knowledge and belief.
3. The assertions in the underlying supplement are based on my contacts with the United States Marshals Services, including e-mails exchanged with a Deputy Marshal on or about June 6 and June 18, 2024, and phone calls with the Deputy Marshal on or about June 7, 14, and 20, 2024.
4. The assertions in the underlying supplement also are based on my contacts with medical personnel at the ophthalmologist's office that Mr. Smirnov visited on or about June 11, 2024. Those contacts occurred today, June 20, 2024.

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorneys of record for Defendant.

Dated: June 20, 2024

/s/\_\_\_\_\_

LEO J. WISE  
Principal Senior Assistant Special Counsel

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